



Via Express Mail Label EL 976 544 506 US on June 29, 2004

**PATENT**

**Attorney Docket No. 39238-0753**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Initial Application

PATENT APPLICATION

Inventor(s):

STERN, et al.

Application No.:

10/072,475

Filed:

February 6, 2002

Title: Method for treatment of tissue

Art Unit: 3739

Examiner: PEFFLEY, Michael F.

**SUPPLEMENTARY**

**INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. §1.97**

MailStop: Amendment  
Commissioner For Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Listed below on an attached Form PTO-1449 is information known to applicant(s). A copy of each listed publication and U.S. and foreign patent, along with a concise explanation of information in a foreign language, if any, except for pending U.S. applications is attached pursuant to 37 C.F.R. §1.97-1.98.

Under 37 CFR §1.98(d), if a patent, publication or other information listed in the attached PTO-1449 was previously cited by or submitted to the Office in a prior application, a copy is not being provided. For the examiner's convenience, an asterisk is placed beside the reference(s) we are not providing a copy of.

Applicants respectfully request that the listed information be considered by the Examiner and be made of record in the above-identified application. The Examiner is requested to initial and return the PTO-1449 in accordance with MPEP §609.

This statement is not intended to represent that a search has been made or that the information cited in the statement is, or is considered to be, material to patentability as defined in §1.56.

07/07/2004 LWONDIM1 00000001 081641 10072475

01 FC:1806 180.00 DA

- ☐ This statement qualifies under 37 C.F.R. §1.97, subsection (b) because (check all that apply):
- ☐ (1) It is being filed within 3 months of the application filing date and is other than a continued prosecution application under § 1.53(d)  
-- OR --
  - ☐ (2) It is being filed within 3 months of entry of a national stage  
-- OR --
  - ☐ (3) It is being filed before the mail date of the first Office Action on the merits  
-- OR --
  - ☐ (4) It is being filed before the mailing of a first Office Action after the filing of a request for continued examination under § 1.114.
- ☒ 37 C.F.R. §1.97(c). If this statement is being filed after the latest of: (1) three months beyond the filing date of a national application; (2) three months beyond the date of entry of the national stage as set forth in §1.491 in an international application; or (3) the mailing date of a first Office action on the merits, but before the mailing date of the earlier of a final office action under §1.113 or a notice of allowance under §1.311, then:
- ☐ a certification as specified in §1.97(e) is provided below; or
  - ☒ a fee of \$180.00 as set forth in §1.17(p) is authorized below, enclosed, or included with the payment of other papers filed together with this statement.
- ☐ 37 C.F.R. §1.97(d). If this statement is being filed after the mailing date of the earlier of a final office action under §1.113 or a notice of allowance under §1.311, but before payment of the issue fee, then:
- A. a certification as specified in §1.97(e) is completed below; and
  - B. a petition under 37 C.F.R. §1.97(d) requesting consideration of this statement is submitted herewith; and
  - C. a fee of \$130.00 as set forth in §1.17(i)(1) is authorized below, enclosed, or included with the payment of other papers filed together with this statement.
- ☒ **Fee Authorization.** The Commissioner is hereby authorized to charge \$180.00 as indicated above and any additional fees and credit any overpayment associated with this communication to Deposit Account No. 08-1641 (Docket No. 39238-0753).

Respectfully submitted,

HELLER EHRMAN WHITE & MCAULIFFE LLP

By: 

Paul Davis, Reg. No. 29,294

Dated: 6/29/04

Heller Ehrman White & McAuliffe LLP  
275 Middlefield Road  
Menlo Park, CA 94025-3506  
(650) 324-7000  
Customer No. 25213

SV 2043313 v1  
6/23/04 11:01 AM (39238.0753)

**INFORMATION DISCLOSURE  
CITATION**

PTO-1449

ATTY. DOCKET NO.  
39238-0753APPLICATION NO.  
10/072,475

TITLE: Handpiece for Treatment of Tissue

APPLICANT : STERN, et al

FILING DATE: 2/06/02

GROUP: 3739

**U.S. PATENT DOCUMENTS**

EXAMINER'S INITIALS	PATENT NO.	DATE	NAME	CLASS	SUBCLASS	FILING DATE
	4,976,709	10/1990	Sand et al.	606	5	
	5,500,012	3/1996	Brucker et al.	607	122	
	5,556,377	9/1996	Rosen et al.	604	22	
	5,643,334	7/1997	Eckhouse et al.	607	88	
	5,655,547	8/1997	Karni	128	898	
	5,776,092	7/1998	Farin et al.	604	22	
	5,776,175	7/1998	Eckhouse et al.	607	100	
	5,833,612	11/1998	Eckhouse et al.	600	476	
	5,836,999	11/1998	Eckhouse et al.	607	88	
	5,964,749	10/1999	Eckhouse et al.	606	9	
	5,970,983	11/1999	Karni et al.	128	898	
	6,162,212	12/2000	Kreindel, et al	606	9	
	6,387,089	05/2002	Kreindel, et al.	606	9	

**FOREIGN PATENT DOCUMENTS**

EXAMINER'S INITIALS	PATENT NO.	DATE	COUNTRY	CLASS	SUBCLAS S	TRANSLATION	
						YES	NO
	WO 02/26147	4/4/2002	PCT	A61B	18/14	<input type="checkbox"/>	<input type="checkbox"/>
						<input type="checkbox"/>	<input type="checkbox"/>

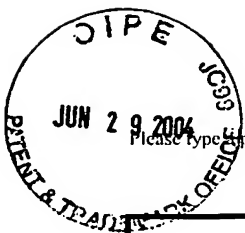
**OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)**


EXAMINER

DATE CONSIDERED

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

\*If an asterisk is placed beside the reference number, a copy is not provided because the reference was previously cited by or submitted to the PTO in a prior application that is identical in the statement and relied upon for an earlier filing date under 35 U.S.C. §120. 37 C.F.R. §1.98 (d)



7-1-04

3739\$

PTO/SB/21 (6-99)

Approved for use through 09/30/2000. OMB 0651-0031  
Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

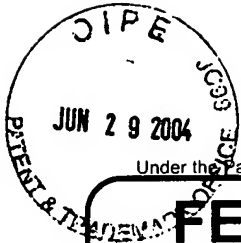
<b>TRANSMITTAL FORM</b> <i>(to be used for all correspondence after initial filing)</i>		<b>Application Number</b>	10/072,475
		<b>Filing Date</b>	February 6, 2002
		<b>First Named Inventor</b>	STERN et al.
		<b>Group/Art Unit</b>	3739
		<b>Examiner Name</b>	PEFFLEY, Michael F.
<b>Total Number of Pages in This Submission</b>	5	<b>Attorney Docket Number</b>	39238-0753

ENCLOSURES (check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Response <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input checked="" type="checkbox"/> Information Disclosure Statement <input checked="" type="checkbox"/> PTO-1449 form and 14 references <input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Small Entity Statement <input type="checkbox"/> Request for Refund	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Additional Enclosure(s) (please identify below): stamped return postcard
<b>Remarks</b>		
AUTHORIZATION TO CHARGE DEPOSIT ACCOUNT 08-1641 FOR ANY FEES DUE IN CONNECTION WITH THIS PAPER.		

SIGNATURE OF APPLICANT, ATTORNEY OR AGENT			
Firm or Individual name	Paul Davis, Reg. No. 29,294, HELLER EHRMAN WHITE & McAULIFFE LLP		
Signature			
Date	June 29, 2004	Customer Number:	25213

CERTIFICATE OF EXPRESS MAILING			
I hereby certify that this correspondence is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. §1.10 on the date indicated below and addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450			
Express Mail Label EL 976 544 506 US			
Typed or printed name	Jan Huss		
Signature		Date	June 29, 2004

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop \_\_\_, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.



PTO/SB/17 (10-03)

Approved for use through 07/31/2006. OMB 0651-0032

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

# FEE TRANSMITTAL for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ ) 180.00

**Complete if Known**

Application Number	10/072,475
Filing Date	February 6, 2002
First Named Inventor	STERN et al.
Examiner Name	PEFFLEY, Michael F.
Art Unit	3739
Attorney Docket No.	39238-0753

**METHOD OF PAYMENT** (check all that apply)☐ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None☒ Deposit Account:Deposit  
Account  
Number  
Deposit  
Account  
Name

08-1641

HELLER EHRMAN WHITE &amp; McAULIFFE LLP

The Director is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☒ Credit any overpayments☒ Charge any additional fee(s) or any underpayment of fee(s)☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.**FEE CALCULATION****1. BASIC FILING FEE**

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1001	770	2001	385	Utility filing fee	
1002	340	2002	170	Design filing fee	
1003	530	2003	265	Plant filing fee	
1004	770	2004	385	Reissue filing fee	
1005	160	2005	80	Provisional filing fee	
SUBTOTAL (1)				(\$ )	0

**2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE**

		Extra Claims		Fee from below		Fee Paid
Total Claims		-20** =	X			
Independent Claims		-3** =	X			
Multiple Dependent						

Large Entity		Small Entity		Fee Description
Fee Code	Fee (\$)	Fee Code	Fee (\$)	
1202	18	2202	9	Claims in excess of 20
1201	86	2201	43	Independent claims in excess of 3
1203	290	2203	145	Multiple dependent claim, if not paid
1204	86	2204	43	** Reissue independent claims over original patent
1205	18	2205	9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$ ) 0

\*\*or number previously paid, if greater; For Reissues, see above

**FEE CALCULATION** (continued)**3. ADDITIONAL FEES**

Large Entity | Small Entity

Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description	Fee Paid
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet	
1053	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for <i>ex parte</i> reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	
1252	420	2252	210	Extension for reply within second month	
1253	950	2253	475	Extension for reply within third month	
1254	1,480	2254	740	Extension for reply within fourth month	
1255	2,010	2255	1,005	Extension for reply within fifth month	
1401	330	2401	165	Notice of Appeal	
1402	330	2402	165	Filing a brief in support of an appeal	
1403	290	2403	145	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1,330	2453	665	Petition to revive - unintentional	
1501	1,330	2501	665	Utility issue fee (or reissue)	
1502	480	2502	240	Design issue fee	
1503	640	2503	320	Plant issue fee	
1460	130	1460	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)	
1806	180	1806	180	Submission of Information Disclosure Stmt	180.00
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	770	2809	385	Filing a submission after final rejection (37 CFR 1.129(a))	
1810	770	2810	385	For each additional invention to be examined (37 CFR 1.129(b))	
1801	770	2801	385	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	

Other fee (specify)

\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$ ) 180.00

**SUBMITTED BY**

Name (Print/Type)

Paul Davis

Registration No.  
(Attorney/Agent)

29,294

(Complete if applicable)

Telephone (650) 324-7000

Signature

Date

June 29, 2004

**WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS.

SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.